



March 27, 2007

ENGROSSED
SENATE BILL No. 327

DIGEST OF SB 327 (Updated March 22, 2007 10:25 am - DI 77)

Citations Affected: IC 20-34.

Synopsis: Immunization for school age girls. Requires a school to: (1) provide information to each parent of a female child entering grade 6 concerning the link between cervical cancer and the human papillomavirus (HPV) infection and of the availability of an
(Continued next page)

Effective: July 1, 2007.

**Lawson C, Simpson, Becker,
Landske, Lubbers, Miller, Gard,
Bowser, Breaux, Errington, Rogers,
Sipes, Tallian, Kenley, Jackman,
Howard**

(HOUSE SPONSORS — MAYS, DUNCAN)

January 11, 2007, read first time and referred to Committee on Health and Provider Services.

February 1, 2007, amended, reported favorably — Do Pass.

February 8, 2007, read second time, amended, ordered engrossed.

February 9, 2007, engrossed.

February 12, 2007, read third time, passed. Yeas 44, nays 5.

HOUSE ACTION

February 27, 2007, read first time and referred to Committee on Public Health.

March 26, 2007, amended, reported — Do Pass.

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immunization; (2) collect written statements from the parent indicating whether the child received the immunization or chooses not to provide the information; and (3) file a written report with the state department of health (state department) stating the number of required female students who have or will receive the immunization, the number of female students who have not received the immunization, and the number of students who have not provided the information. Requires the state department to provide a school with the information on cervical cancer and HPV and prescribe the format for the written statement. Provides that a student may not be prohibited from enrolling, attending, or graduating from school for not providing the written statement to the school.

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March 27, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 327

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-34-4-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 0.5. (a) As used in this chapter, "school" refers to the**
4 **following:**

5 **(1) A public school.**

6 **(2) An accredited nonpublic school.**

7 **(3) A charter school.**

8 **(b) The term does not include a school that provides solely home**
9 **based instruction.**

10 SECTION 2. IC 20-34-4-3, AS ADDED BY P.L.1-2005, SECTION
11 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 2007]: **Sec. 3. (a) Each school shall notify each parent of a student who**
13 **enrolls in the school of the requirement that the student must be**
14 **immunized and that the immunization is required for the student's**
15 **continued enrollment, attendance, or residence at the school unless:**

16 **(1) the parent or student provides the appropriate documentation**
17 **of immunity;**

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(2) for chicken pox, the parent or student provides a written signed statement that the student has indicated a history of chicken pox; or

(3) IC 20-34-3-2 or IC 20-34-3-3 applies.

(b) A school that enrolls grade 6 female students shall provide each parent of a female student who is entering grade 6 with information prescribed by the state department of health under subsection (c) concerning the link between cervical cancer and the human papillomavirus (HPV) infection and that an immunization against the human papillomavirus (HPV) infection is available.

(c) The state department of health shall provide a school described in subsection (b) with the information concerning cervical cancer and the human papillomavirus (HPV) infection required in subsection (b). The information must include the following:

(1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cervical cancer.

(2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.

(3) Information concerning the means in which the human papillomavirus (HPV) infection is contracted.

(4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider.

SECTION 3. IC 20-34-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) Each school that enrolls grade 6 female students shall require the parent of a female student entering grade 6 to furnish not later than the twenty (20) school days after the first day of school a written statement prescribed by the state department of health under subsection (b) stating that the parent has received the information required under section 3(b) of this chapter and that:

(1) the student has received or is receiving the immunization;

(2) the parent has decided not to have the student immunized; or

(3) the parent chooses not to provide the information to the school concerning whether the student was immunized;

against the human papillomavirus (HPV) infection.

(b) The state department of health shall prescribe the format for

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the written statement required under subsection (a).

(c) A student may not be prevented from enrolling in, attending, or graduating from school for the sole reason that the student has not provided the school with the written statement required under this section.

SECTION 4. IC 20-34-4-6, AS ADDED BY P.L.231-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Not later than sixty (60) days after the enrollment of students for the first time and when additional immunizations are required by statute or rule, each school shall file a written report with the state department of health and the local health department having jurisdiction. The report must include the following:

(1) A statement of the number of students who have demonstrated immunity against diphtheria, pertussis (whooping cough), tetanus, measles, rubella, poliomyelitis, mumps, and hepatitis B.

(2) A statement of the number of students who have not demonstrated immunity against the illnesses listed in subdivision (1).

(3) A statement of the number of students who have been found positive for sickle cell anemia or lead poisoning.

(4) Beginning in the 2008-2009 school year, a statement of the number of female students in grade 6 who:

(A) have or will have; and

(B) have not;

been immunized against human papillomavirus (HPV) infection, and the number of female students in grade 6 whose parent chose not to provide the information to the school concerning whether the student was immunized.

(b) The state department of health and the local health department shall, for good cause shown that there exists a substantial threat to the health and safety of a student or the school community, be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the state department of health, a local department of health, or an agent of the state department of health or local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited nonpublic schools.

(c) A school shall file a report for each student who enrolls after the filing of the report for students who enrolled at the beginning of the school year. The state department of health has exclusive power to adopt rules for the administration of this section.

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SENATE MOTION

Madam President: I move that Senator Simpson be added as second author, Senator Becker be added as third author, and Senators Landske, Lubbers, Miller, Gard, Bowser, Breaux, Errington, Rogers, Sipes and Tallian be added as coauthors of Senate Bill 327.

LAWSON C

SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 327.

LAWSON C

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 20-34-4-3, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** Each school shall notify each parent of a student who enrolls in the school of the requirement that the student must be immunized and that the immunization is required for the student's continued enrollment, attendance, or residence at the school unless:

- (1) the parent or student provides the appropriate documentation of immunity;
- (2) for chicken pox, the parent or student provides a written signed statement that the student has indicated a history of chicken pox; or
- (3) IC 20-34-3-2 or IC 20-34-3-3 applies.

(b) A school that enrolls grade 6 female students shall provide each parent of a female student who is entering grade 6 with information prescribed by the state department of health under subsection (c) concerning the link between cervical cancer and the human papillomavirus (HPV) infection and that an immunization

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against the human papillomavirus (HPV) infection is available.

(c) The state department of health shall provide a school described in subsection (b) with the information concerning cervical cancer and the human papillomavirus (HPV) infection required in subsection (b).

(d) The state department of health shall adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 2. IC 20-34-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) Each school that enrolls grade 6 female students shall require the parent of a female student entering grade 6 to furnish not later than the twenty (20) school days after the first day of school a written statement prescribed by the state department of health under subsection (b) stating that the parent has received the information required under section 3(b) of this chapter and that:

(1) the student has received or is receiving the immunization;
or

(2) the parent has decided not to have the student immunized; against the human papillomavirus (HPV) infection.

(b) The state department of health shall prescribe the format for the written statement required under subsection (a).

(c) The state department of health shall adopt rules under IC 4-22-2 necessary to implement this section."

Page 2, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 327 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Senate Bill 327.

LAWSON C

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SENATE MOTION

Madam President: I move that Senate Bill 327 be amended to read as follows:

Page 2, line 5, after "(b)." insert **"The information must include the following:**

- (1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cervical cancer.**
- (2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.**
- (3) Information concerning the means in which the human papillomavirus (HPV) infection is contracted.**
- (4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider."**

(Reference is to SB 327 as printed February 2, 2007.)

LAWSON C

 SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Engrossed Senate Bill 327.

LAWSON C

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 327, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-34-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. (a) As used in this chapter, "school" refers to the following:

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(1) A public school.

(2) An accredited nonpublic school.

(3) A charter school.

(b) The term does not include a school that provides solely home based instruction."

Page 2, delete lines 18 through 19.

Page 2, delete line 30.

Page 2, line 31, after "immunized;" insert "**or**

(3) the parent chooses not to provide the information to the school concerning whether the student was immunized;"

Page 2, line 35, delete "The state department of health shall adopt rules under" and insert "**A student may not be prevented from enrolling in, attending, or graduating from school for the sole reason that the student has not provided the school with the written statement required under this section."**

Page 2, delete line 36.

Page 3, line 11, delete "required".

Page 3, line 11, after "students" insert "**in grade 6**".

Page 3, line 12, delete "have;" and insert "**have or will have;**".

Page 3, line 15, delete "." and insert "**, and the number of female students in grade 6 whose parent chose not to provide the information to the school concerning whether the student was immunized."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 327 as reprinted February 9, 2007.)

BROWN C, Chair

Committee Vote: yeas 10, nays 1.

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